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WILLIAM E LEWIS  
RYAN MASON & LEWIS LLP  
90 FOREST AVENUE  
LOCUST VALLEY, NY 11560

EXAMINER

SHRADER, LAWRENCE J

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 09/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/727,524

Applicant(s)

CHEN ET AL.

Examiner

Lawrence Shrader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 December 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 7, and 8; 11; 18, 19, 24, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Bean, U.S. Patent 6,460,023.

Bean discloses a system to integrate rich media and descriptive language information:

**In regard to claim 1:**

*"collecting and formatting Rich Media...input to an authoring tool;"* Bean discloses rich media file input to an authoring tool (column 4, lines 53 – 67).

*"creating a text based Rich Media Content description file...input to the authoring tool;"* Bean discloses an authoring tool with a description file (HTML) as input (column 4, lines 53 – 67).

*"combining the rich media content file and the text based rich media content descriptive file...using the authoring tools."* Bean discloses the authoring tool integrated with a Web page allowing the combining of the rich media and descriptive files (column 4, lines 53 – 67).

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**In regard to claim 2**, incorporating the rejection of claim 1:

*“editing the rich media content description file by a user using a text editor.”* It is well known in the art that a description file is inherently textual (e.g., XML or HTML), therefore it is editable by a using a text editor.

**In regard to claim 7**, incorporating the rejection of claim 1:

*“storing the rich media content file...”* Bean teaches storage of the content file (column 2, lines 30 – 52).

**In regard to claim 8**, incorporating the rejection of claim 1:

*“downloading the edited multimedia content file for display...”* Bean teaches downloading the content file (column 2, lines 30 – 52).

**In regard to claim 11:**

*“a processor for receiving rich media , text and graphics.”* The system taught by Bean includes a processor to receive rich media, text, and graphics (e.g., Figure 1).

*“means assembling the rich media, text, and graphics ...”* See, e.g., Figure 1.

*“means automatically generating a rich media content description file...”* Bean discloses an authoring tool with a description file (HTML) as input (column 4, lines 53 – 67).

*“means combining the MVR file and the description file...”* Bean discloses the authoring tool integrated with a Web page allowing the combining of the rich media and descriptive files (column 4, lines 53 – 67).

**In regard to claims 18, 19, 24, and 25:**

Claims 18, 19, 24, and 25 (program code medium) are rejected for the same reasons put forth in the rejection of corresponding claims 1, 2, 7, and 8 (the corresponding methods).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean, U.S. Patent 6,460,023 in view of Harned et al., U.S. Patent 6,594,466.

**In regard to claim 3, incorporating the rejection of claim 1:**

*“using an XML program to create the description file.”* Bean integrates HTML in the authoring tool, but does not teach XML to create the description file. However, Harned teaches the use of XML to create a description file (column 3, lines 35 – 48). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Bean invention by using XML as taught by Harned, because it is also well known in the art that XML is compatible with HTML, and that it provides a flexible description of data allowing more robust communication between different types of devices than HTML provides, thus enhancing the Bean invention by allowing the authoring tool to interact with the rich media assets in a more generic and flexible manner by integrating text, multimedia, and graphic information in the description (see Harned, column 3, lines 41 – 47).

**In regard to claim 13, incorporating the rejection of claim 11:**

*“an XML program running in the processor for translating the descriptive text in the combining...”* Bean integrates HTML in the authoring tool, but does not teach XML to

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create the description file. However, Harned teaches the use of XML to create a description file (column 3, lines 35 – 48). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Bean invention by using XML as taught by Harned, because it is also well known in the art that XML is compatible with HTML, and that it provides a flexible description of data allowing more robust communication between different types of devices than HTML provides, thus enhancing the Bean invention by allowing the authoring tool to interact with the rich media assets in a more generic and flexible manner by integrating text, multimedia, and graphic information in the description (see Harned, column 3, lines 41 – 47).

**In regard to claim 20**, incorporating the rejection of claim 18 above:

Claim 20 (program code medium) is rejected for the same reasons put forth in the rejection of claim 3 (the corresponding method).

5. Claims 4, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean, U.S. Patent 6,460,023, and further in view of Martens, U.S. Patent 4,570,221.

**In regard to claim 4**, incorporating the rejection of claim 1 above:

*“executing a batch processing program to combine...”* Bean teaches the combining of a descriptive file and a rich media content file, but does not teach executing a batch processing. However, Martens teaches the combining of files executing a batch process. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine two files, for example a descriptive file and a rich media content file as taught by Bean, and incorporate the teaching of Martens, because performing the combining with a batch process

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frees the user from the execution details and also enables the process to run off-line as taught by Martens (column 1, lines 25 – 28).

**In regard to claim 12**, incorporating the rejection of claim 11 above:

*“a batch processing program running on the processor for combining...”* Bean teaches the combining of a descriptive file and a rich media content file, but does not teach executing a batch processing. However, Martens teaches the combining of files executing a batch process. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine two files, for example a descriptive file and a rich media content file as taught by Bean, and incorporate the teaching of Martens because performing the combining with a batch process frees the user from the execution details and also enables the process to run off-line as taught by Martens (column 1, lines 25 – 28).

**In regard to claim 21**, incorporating the rejection of claim 18 above:

Claim 21 (program code medium) is rejected for the same reasons put forth in the rejection of claim 4 (the corresponding method).

6. Claim 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean, U.S. Patent 6,460,023, and further in view of Murphy, U.S. Patent 6,564,380.

**In regard to claim 5**, incorporating the rejection of claim 1 above:

*“transmitting the rich media content as a streaming digital file...”* Bean teaches collecting rich media content and combining with a descriptive file, but does not teach transmitting the rich media content as a streaming digital file. However, Murphy teaches the transmission of a stored digital file containing rich media content (video/audio feed; column 6;

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lines 25 - 39). A stored video transmission is a streaming digital file. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Bean, which combines a descriptive file and a rich media content, with the teaching of Murphy, which transmits the rich media content as a streaming digital file, because this modification allows the rich media content of Bean to be fed as a remote capture (rather than a live feed), thereby allowing a continuous feed of a saved input in desired file formats as taught by Murphy (column 6, lines 30 – 35).

**In regard to claim 22**, incorporating the rejection of claim 18 above:

Claim 22 (program code medium) is rejected for the same reasons put forth in the rejection of claim 5 (the corresponding method).

7. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean, U.S. Patent 6,460,023, and further in view of Mills, U.S. Patent 6,397,219.

**In regard to claim 6**, incorporating the rejection of claim 1 above:

*“using a graphical authoring tool to edit the rich media content;”* Bean teaches collecting rich media content and combining with a descriptive file with an authoring tool, but does not explicitly teach a graphical authoring tool. However, Mills discloses a graphical authoring tool (column 15, line 60 to column 16, line 16). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the authoring tool as taught by Bean, which combines a descriptive file and a rich media content, with the graphical authoring feature as disclosed by Mills, because this modification provides a means for the



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authoring tool of Bean easily access and efficiently edit Web pages, as taught by Mills (column 15, lines 60- 67).

*“creating a descriptive file of the graphically edited rich media content.”* Bean discloses an authoring tool with a description file (HTML) as input (column 4, lines 53 – 67).

**In regard to claim 23**, incorporating the rejection of claim 18 above:

Claim 23 (program code medium) is rejected for the same reasons put forth in the rejection of claim 6 (the corresponding method).

8. Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean, U.S. Patent 6,460,023 in view of Murphy, U.S. Patent 6,564,380 as applied to claims 5 and 22 above, and further in view of Ohsuga et al., U.S. Patent 6,317,151 (hereinafter referred to as Ohsuga).

**In regard to claim 9**, incorporating the rejection of claim 5:

*“generating the streaming digital file as a sequence of frames.”* Bean teaches collecting rich media content and combining with a descriptive file, modified by Murphy teaching the transmission of a streaming digital file containing rich media content (video/audio feed).

Although Mills references the digital stream as a series of packets, neither reference teaches that the generation of the streaming digital file specifically as a sequence of frames. However, Oshuga teaches streaming video to a digital file as a sequence of frames (column 1, lines 36 – 43). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Bean and Murphy to obtain a means to merge a descriptive file with a rich media content, and incorporating the generation of the rich media content as a

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streaming digital file in a sequence of frames as taught by Oshuga, because the digital frame allows the user to capture natural images and then edit them a reproducible digital format (see Oshuga, column 1, lines 36 – 42) that could be used as rich media content as taught by Bean.

**In regard to claim 26**, incorporating the rejection of claim 22:

Claim 26 (program code medium) is rejected for the same reasons put forth in the rejection of claim 9 (the corresponding method).

9. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean, U.S. Patent 6,460,023 in view of Murphy, U.S. Patent 6,564,380 as applied to claims 5 and 22 above, and further in view of Beckett et al., U.S. Patent 6,317,151 (hereinafter referred to as Beckett).

**In regard to claim 10**, incorporating the rejection of claim 5:

*“generating the streaming digital file as a binary file...”* Bean teaches collecting rich media content and combining with a descriptive file, modified by Murphy teaching the transmission of a streaming digital file containing rich media content (video/audio feed).

Although Mills references the digital stream as a series of packets, neither reference teaches that the generation of the streaming digital file as a binary file. However, Beckett teaches streaming digital files as a binary file (column 12, lines 35 – 38). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Bean and Murphy to obtain a means to merge a descriptive file with a rich media content, incorporating the teaching of the generation of the rich media content as a binary file as taught by Beckett, because

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a binary file allows implementation in loadable execution format thus minimizing the programming skills needed by the user, as taught by Beckett (column 12, lines 38 – 53).

**In regard to claim 27**, incorporating the rejection of claim 22:

Claim 27 (program code medium) is rejected for the same reasons put forth in the rejection of claim 10 (the corresponding method).

10. Claims 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean, U.S. Patent 6,460,023 in view of Beckett et al., U.S. Patent 6,317,151 (hereinafter referred to as Beckett), and further in view of Herved et al., U.S. Patent 6,594,466 (hereinafter referred to as Herved).

**In regard to claim 14:**

*“means for receiving and storing rich media assets in a binary format...”* Bean teaches collecting rich media content and combining with a descriptive file (column 4, lines 53 – 67), but does not teach that the generation of the streaming digital file as a binary file. However, Beckett teaches a means to store streaming digital files as a binary file in order to load applications as an executable file (column 12, lines 35 – 38). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Bean regarding the collection of rich media content, incorporating the teaching of Beckett regarding the receiving and storage of rich media content as a binary file, because a binary file allows implementation in loadable execution format thus minimizing the programming skills needed by the user, as taught by Beckett (column 12, lines 38 – 53).

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*“means for preparing a textual description...”* Bean integrates HTML in the authoring tool (column 4, lines 53 – 67), but does not teach XML to create the description file. However, Harned teaches the use of XML to create a description file (column 3, lines 35 – 48). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Bean invention by using XML as taught by Harned, because it is also well known in the art that XML is compatible with HTML, and that it provides a flexible description of data allowing more robust communication between different types of devices than HTML provides, thus enhancing the Bean invention by allowing the authoring tool to interact with the rich media assets in a more generic and flexible manner by integrating text, multimedia, and graphic information in the description (see Harned, column 3, lines 41 – 47).

*“means for combining the MVR file and ...”* Bean discloses the authoring tool integrated with a Web page allowing the combining of the rich media and descriptive files (column 4, lines 53 – 67).

**In regard to claim 15**, incorporating the rejection of claim 14:

*“...wherein the text description is XML based.”* Bean integrates HTML in the authoring tool, but does not teach XML to create the description file. However, Harned teaches the use of XML to create a description file (column 3, lines 35 – 48). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Bean invention by using XML as taught by Harned, because it is also well known in the art that XML is compatible with HTML, and that it provides a flexible description of data allowing more robust communication between different types of devices than HTML provides, thus enhancing the Bean invention by allowing the authoring tool to interact with the rich media assets in a more

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generic and flexible manner by integrating text, multimedia, and graphic information in the description (see Harned, column 3, lines 41 – 47).

**In regard to claim 16**, incorporating the rejection of claim 14:

*“means for modifying the text description...”* Bean discloses an authoring tool as a means to edit a text description (column 4, lines 53 – 65).

**In regard to claim 17**, incorporating the rejection of claim 14:

*“means for modifying the textual description using a standard text-editing tool.”*

Official notice is taken that a description file is inherently textual (e.g., XML or HTML), therefore editable by a using a text editor.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,175,820 to Dieta, regarding the combining of text and audio information.

U.S. Patent 6,356,921 to Kumar et al., regarding delivery of rich media presentations.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046. The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader  
Examiner  
Art Unit 2124

September 3, 2003



JOHN CHAVIS  
PATENT EXAMINER  
ART UNIT 2124